

New Jersey Department of Children and Families Policy Manual

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Issuance:	100	Overview of Services to Children Placed with Kin by the	
		Division	

Purpose:

This issuance establishes policy and procedure related to services provided to children placed with kin by the Division.

Authority:

N.J.S.A. 30:4C-50 et seq.

N.J.A.C. 3A:12-1, 3A:13-3

• N.J.S.A. 3B:12A-4

Policy:

A) Kinship Preference

- 1) First Resource for Placement As part of the Division's commitment to improve the safety, permanency, and well-being of children under its care, the Division always considers relatives and persons with a kinship relationship with a child as the first resource for a child who needs placement. This includes both emergency and permanent placements. When a child is removed from his home due to safety or risk of harm issues, or abuse or neglect, relatives and other kinship caregivers can be the most fundamental resource available to meet the child's needs.
- 2) Child's well-being Placing a child with kin can promote the child's well-being. A child will often benefit from living with someone who already knows, loves, and cares for him. It can also help the child maintain a sense of identity, continuity, and belonging to his family, while he is separated from his parents, and possibly his siblings.

- 3) A placement near home Kin often live in the neighborhood or area where the child lived before placement, allowing the child to:
 - i. Maintain relationships with friends and other family members;
 - ii. Stay in the same school, pre-school or daycare; and
 - iii. Use the same health care providers.
- 4) Temporary or permanent placement with kin can often provide a safe, temporary home for the child during an emergency removal. This temporary placement can be an effective short-term solution to a family crisis. It allows people who know the child or know the child's family to work with the Division, and the child's parents, to remedy the conditions which jeopardized the child's safety or health. Likewise, if a child is unable to return to his own home, a kin caregiver may be able to foster the child's well-being and provide a safe and suitable permanent home via adoption or kinship legal guardianship.

B) Identify, Search, and Contact Kin

- The law Whenever the Division accepts a child into its care and custody, State law requires the Division to initiate a search for relatives, parents of siblings and fictive kin who may be willing and able to assist the child's family.
 - i. **Talk to the birth family** early about kin who may be able to serve as a placement resource.
 - ii. Identify both maternal and paternal relatives as placement resources even before the need for placement is definite. Use CP&P Form 26-82, Relative Identification Chart. Also, see policy at CP&P-III-C-4-100, section entitled Locating a Missing Child/Family and Searching.
 - iii. **Best practice -** Consistent with Federal and State law, in addition to relatives, the Division also requires you to explore the interest and ability of parents of siblings and fictive kin to serve as a placement resource.
 - iv. **Family Team Meetings -** Strongly encourage relatives and other kin to participate in Family Team Meetings. Relatives and family friends can be valuable to the team in developing case plans, case goals, and service plans for the child.

C) Child Already in Resource Care When Potential Kinship Caregivers are Identified

- When a child is already placed in a resource home and a potential kinship placement is subsequently identified the following factors should be considered when moving the child to kin;
 - i) **Best interest of the child** Family engagement provides an

opportunity to encourage family members, the child's worker, providers, and family friends to discuss which placement is in the child's best interest. We strongly encourage family engagement. If, despite our best efforts, a family is not engaged, the Worker, Supervisor, and Casework Supervisor conference the case and make the determination jointly. Some factors to consider that may help guide the decision-making process include:

- a) Safety of the child This cannot be over-emphasized. As Division staff deal with a child who has been abused or neglected, the most damaging thing of all is to put the child into another situation where he or she continues to be maltreated. We must consider which placement is most likely to ensure the child is safe from abuse and neglect.
- b) Accomplishing long-term goal If the long-term goal is reunification, consider if the kin is willing to work with the birth family to achieve the goal. In this situation, concurrent planning is required, and a secondary (concurrent) case goal must be selected. Concurrent planning is a case practice in which reunification efforts and alternative permanency planning occur simultaneously. See CP&P-III-B-2-300. Consider if the kin placement is willing to provide legal permanency for the child if reunification does not occur. If reunification is not the long term goal, consider which placement is more likely to commit to adoption or kinship legal guardianship.
- c) Neighborhood based care In most situations, consider placing a child with kin in his or her own neighborhood, if it can be done safely. This is a serious consideration for a school-aged child so he or she does not have to unnecessarily change schools, make new friends, or become accustomed to a different neighborhood. This also facilitates continued contact/frequent visitation with the family of origin.
- d) Age of child and length of time in resource care -These two issues generally go together. The length of time the child has been in placement with the family requires thorough consideration - Consider these factors together in the decision-making process.

- e) Siblings We strongly prefer keeping sibling groups together. A relative, family friend, or other fictive kin willing to accept all siblings is generally preferable to placing the children in different homes. However, an exception may be considered when the children reside with two or more relatives, family friends or other kin who live close to each other and see each other often. This type of arrangement may work out to be the best plan for all the children.
- f) Does the child know the relative or family friend -Consider the duration of the child's relationship with the relative or fictive kin and the quality of their interactions. Keep in mind that children are capable of forming healthy attachments with multiple caring adults throughout the course of their childhood.
- g) Child's preference If the child is school-aged or above, ask the child. An older child deserves to have input about his or her placement. Getting the child's input does not mean the child has the final decision - but the child's preferences should be considered.
- h) Parents' preference The child's parents may express a preference for the child to be placed with a specific relative or other kinship caregiver. Certainly, consider the parents' preferences. However, more importantly, the circumstances surrounding the child's need for placement must also be addressed. Safety of the child is always paramount. You must ensure that the relative, family friend, or resource parent that the parent prefers, is able to protect the child from the parent, if necessary.
- i) Special needs of the child Assess which placement option is best able to meet any special needs the child may have. This includes, but is not limited to the child's:
 - 1. Physical needs
 - 2. Emotional needs
 - 3. Educational needs
- j) Consider all of these factors when making a determination to change a child's placement. Child safety is always our primary concern. Other factors may be weighted differently depending on the specific circumstances of the case. Note: These factors are the

same factors we should take into account in making the initial placement. The better the initial placement, the better the permanency outcomes with less disruption to the child.

D) CP&P Kinship Legal Guardianship Subsidy Program

The CP&P Kinship Legal Guardianship Subsidy Program provides benefits to a child placed permanently by the Division with a kin caregiver who obtains kinship legal guardianship because neither return home is not likely or feasible for the child. See CP&P-IV-D-2 and CP&P-IV-A-11-100.

E) Programs/Resources

With the establishment of these programs, there is a continuum of programs providing financial assistance to children placed temporarily or permanently by the Division with kin. These programs are available through CP&P and other non-CP&P resources.

F) CP&P Programs

- 1) Financial assistance programs available through CP&P for kin caregivers include:
 - i) CP&P Resource Care Program. See CP&P-IV-B, Resource Care Services; CP&P Adoption Subsidy Program. See CP&P-IV-C-8 and CP&P-IV-C-1-1100; and
 - ii) CP&P Kinship Legal Guardianship Subsidy Program. See CP&P-IV-D-2 and CP&P-IV-A-11-100.

G) Non-CP&P Resources

- 1) If neither the child, nor the kin caregiver is eligible for benefits from the programs listed in CP&P Programs, above, the caregiver can seek financial assistance from other sources as follows:
 - i. Support from the child's parents;
 - ii. Federal Social Security Administration;
 - iii. County Welfare Agency (CWA); and/or
 - iv. Community agencies.

H) Temporary Money to Support Kinship Placements

Flex funds - In addition to the monthly resource family board rate and clothing allowance, flex funds are available to meet unique needs. Flex funds are a temporary means to fulfill an exceptional service need, used in a short-term capacity, to allow time to develop a sustained source of family or child service. Flex funds may be used to stabilize a child's placement. See CP&P-IX-F-1-400, The Flexible Fund.

I) Legal Authority for Temporary Division Placement

Before a child is placed by the Division, the Division must have legal authority for placement of the child. Legal authority for placement is required whether the

Division is placing a child with kin, an unrelated resource parent, or in another out-of-home setting. This legal authority permits the Division to remove the child from a situation where there is imminent danger to the child or the child is at risk of injury or death, and the danger or risk cannot be alleviated by any resources currently available to CP&P or the family. This legal authority further authorizes the Division to make decisions regarding necessary services and medical care while the child is in placement. See <u>CP&P-II-C-2-700</u>.

J) Resource Care Program

A kin caregiver can receive resource care benefits on a child's behalf if the home meets resource home licensing standards and a license is issued from the Office of Licensing (OOL). See CP&P-IV-B-2-150,

K) When Kin Are Not Eligible for Resource Care Payments

- 1) Kin who are awarded legal custody of a child as a result of a court order stemming from litigation not initiated by CP&P are not eligible for payment under the Division's resource care program.
- 2) All kin caregivers requesting maintenance for children living with them but not meeting the criteria listed above are referred to the appropriate County Board of Social Services (CBSS) for determination of eligibility for WFNJ-TANF and/or to the county probation department to file for child support from the parents.

L) Duplicate Payments Prohibited

- 1) A kin caregiver who is a licensed resource parent is not entitled to payments and benefits through other CP&P programs for the same child for the same time period. These programs include the Kinship Legal Guardianship Subsidy Program. In addition, the kin caregiver who is a licensed resource parent is not eligible to receive payments and benefits for the child from other government sources while the child is in placement under the Resource Care Program. These other government sources include:
 - i) WFNJ-TANF including Medicaid
 - ii) SSI including Medicaid
 - iii) Medicaid Only
 - iv) Veterans Administration (VA)
 - v) Retirement, Survivors, Disability and Hospital Insurance (RSDHI)

- vi) Railroad Retirement (RR)
- 2) Any kin caregiver who has been receiving WFNJ-TANF for a child must have the child removed from the grant or have the child's WFNJ-TANF case closed effective the date CP&P board payments begin. If duplicate payments have been received, failure to return the money to the County Board of Social Services (CBSS) makes the relative subject to procedures for recovery and penalty.
- 3) While the kin caregiver who is a licensed resource parent is not eligible to receive SSI, VA, or RSDHI while the child is in resource care, CP&P is eligible to receive payments and benefits from these sources on behalf of the child to offset the cost of placement.

M) Determining if Child Receives WFNJ-TANF or SSI Benefits Including Medicaid

When a child enters CP&P Resource Care with akin caregiver who is a licensed resource parent, the Worker informs the Clerk to do a computer look-up, using the Medicaid Eligibility screen, to determine whether or not the child receives WFNJ-TANF or SSI benefits including Medicaid.

N) Child Receives WFNJ-TANF Payments and/or WFNJ-TANF Medicaid at Time of Placement

If the Clerk finds a match for WFNJ-TANF payments and/or WFNJ-TANF Medicaid, the Clerk notifies the CBSS Liaison by electronic mail, and the Health Benefits Coordinator (HBC) by telephone at 1-800-701-0710, of the date the child enters the placement. Update NJS as appropriate.

O) Child Receives SSI Payments and/or SSI Medicaid at Time of Placement If the Clerk finds a match for SSI payments and/or SSI Medicaid, the Clerk notifies the Administrator, Title IV-E Eligibility and Determination Unit, and the HBC at 1-800-701-0710, of the date the child enters placement. Update NJS as appropriate.

P) Kin Receiving WFNJ-TANF and Food Stamps

- 1) If the kin caregiver is a WFNJ-TANF recipient for himself or herself or for his or her family, the monies received on behalf of the child in placement, including step increases to the base board rate and difficulty of care payments, are not considered income in determining eligibility for WFNJ-TANF. The child in placement is not considered as a member of the WFNJ-TANF eligible unit if CP&P is paying board for him or her in accordance with the Division of Family Development's Work First New Jersey Program, N.J.A.C. 10:90-1 et seq.
- 2) If the kin caregiver receives or applies for food stamps, he or she must decide whether to include the child in placement in the food stamp grant. The child's board and clothing allowance are considered as income to the

family in determining eligibility for the food stamp program when the child in placement is to be included in the food stamp grant. If the applicant elects not to receive food stamps for this child, the child's board is not considered as income to the family with respect to the food stamp program.

Q) Discontinuance of Payment

- 1) CP&P resource care board payments to a caregiver are discontinued immediately when:
 - i) The child is returned home;
 - ii) The child is moved to another placement;
 - iii) Legal custody or legal guardianship for the child is awarded as a result of litigation not initiated by CP&P;
 - iv) The caregiver adopts the child; or
 - v) The caregiver obtains kinship legal guardianship as a result of litigation initiated by CP&P.

R) Supervision

- All policies and procedures relevant to the resource care program, such as the Child Placement Review Act, Title IV-E FC eligibility determination, Medicaid, clothing allowance, and permanency planning, are applicable to resource home placements with relatives.
- 2) In situations in which CP&P and the CBSS are both providing services, the CP&P Worker coordinates the services, ensuring that they are effective and unduplicated.
- 3) A child's Title IV-E FC eligibility is not affected by a move from a relative resource home to a regular resource home, if all other eligibility requirements for Title IV-E FC remain the same.

S) Return Home

- 1) When CP&P determines that the child can be returned to his or her home, the return is arranged in the same manner as for any other child returning from resource care.
- 2) If the parent, on his or her own, subsequently arranges for the child to return to the same caregiver's care, CP&P payments are not reinstated because the situation does not meet the criterion that CP&P made the placement.

T) Permanency and the Case Plan

 Legal requirements -- A child placed with kin by the Division is subject to the placement-related requirements of N.J.S.A. 30:4C-50 et seq., N.J.A.C. 3A:12-1, 3A:13-3, <u>CP&P-III-B-4-400</u>, <u>CP&P-III-B-1-100</u>, <u>CP&P-IV-A-3-200</u>, and <u>CP&P-III-B-2-100</u>, unless the child is adopted or until kinship legal guardianship is awarded. Pursuant to N.J.S.A. 30:4C-11.1, the Division is

- responsible for providing reasonable efforts to prevent placement, to reunify children with their parents, and to achieve a permanent plan for the child.
- 2) Permanency plan required -- The Worker develops a permanent plan, as indicated by the case goal. The permanent plan is most often reunification. See <u>CP&P-III-B-4-400</u>. Whenever the primary case goal is reunification, the Worker is required to also select a secondary (concurrent) case goal and begin to immediately develop a concurrent permanent plan for the child.
- 3) Concurrent planning required -- Concurrent planning starts at the very first moment of placement. While the Worker makes diligent efforts to achieve reunification, he or she begins simultaneously to develop a backup plan in case permanency with the birth parents cannot be achieved within the legally prescribed time frames.
- 4) New case plan required at time of placement -- When a child enters out-of-home placement, the Worker develops a case plan with the child (when appropriate), his or her parents, and the caregiver within 30 days of placement. The case plan identifies the services that will be provided by the Division. It specifies behavioral changes and/or activities the parents must complete to remedy the conditions which required the child's removal, so that the child can return home safely. These activities may include partnering with the birth family, as appropriate. If reunification is not possible, the child's parents are encouraged to participate in the development of an alternate permanency plan for the child.
 - i. The case plan also includes the responsibility of the caregiver to provide a safe home, including any restrictions on contact between the child and family members or other persons who may jeopardize the child's safety or health. It includes activities to address the child's educational, medical, or behavioral problems. It also requires cooperation with placement-related requirements and permanency planning, including, if necessary, assisting the child's adjustment to leaving the home when a permanent plan is implemented.
- 5) The Division provides services toward stabilizing the placement and enabling the caregiver to meet the needs of the child, recognizing the unique aspects of caring for a child whose family members pose a risk of harm to the child. The Worker ensures that the caregiver is aware of Division policy and procedures which affect the child and the caregiver. In addition, the Worker provides support to the caregiver in dealing with various agencies, including the child's school, medical and service

providers, the court, the Child Placement Review Board, and the Office of Licensing.

U) Legal Authority When Child Returned Home

If permanency is achieved through the child's return home, the child's parents resume the legal authority to make all decisions regarding the child's care, unless otherwise restricted by the court.

V) Legal Authority When Child Adopted

If permanency is achieved through adoption, the court grants the adoptive parent the legal authority to make all decisions regarding the child's care (N.J.S.A. 9:3-38 et seq.). The court order for adoption permanently assigns to the adoptive parent all of the parental rights and responsibilities toward the child, until the child reaches adulthood. If approved by the Division, a relative or family friend caring for a child placed by the Division can adopt the child. See <u>CP&P-IV-C-1-800</u>.

W) Legal Authority Under Kinship Legal Guardianship

- 1) Through the Kinship Legal Guardianship Act, the court grants the legal guardian certain parental rights and responsibilities and the legal authority to make certain decisions regarding the child's care with the understanding that the guardian will provide care until the child reaches adulthood, pursuant to N.J.S.A. 3B:12A-4. The legal authority of the legal guardian includes consenting to routine and emergency medical and mental health needs, arranging and consenting to educational plans, applying for financial assistance and social services, applying for a motor vehicle license, and applying for admission to college.
- 2) A kin caregiver caring for a child placed by the Division may be eligible to become the child's legal guardian through the Kinship Legal Guardianship Act. See CP&P-IV-D-2 and CP&P-IV-A-11-100.

X) Legal Authority Under Legal Custody

When return home, adoption, and kinship legal guardianship are not appropriate or feasible for a child, permanency may be achieved by the court granting custody to the caregiver or to another individual who seeks custody of the child. A custody order specifies with whom the child will reside and grants legal authority to make certain decisions regarding the child's care and property, such as the ability to consent to medical care and to enroll the child in school. The custody order remains in effect until the child reaches adulthood, unless it is modified or terminated by the court. After legal custody is awarded, CP&P can provide non-financial services as CP&P determines necessary for the child's safety and health, but CP&P does not continue to provide support payments or health care coverage.

Y) Division Financial Support When Permanent Plan Achieved Kin interested in providing a permanent home for a child placed by the Division

can decide whether to apply for Division benefits for the child or to seek other sources of financial assistance, if unable or unwilling to meet the child's expenses through their own resources. If a child placed permanently by the Division with kin is not eligible for benefits through the CP&P Adoption Subsidy Program, or CP&P Kinship Legal Guardianship Subsidy Program, the Division does not provide financial support to the child.

Z) Adoption Subsidy

A child can receive benefits from the CP&P Adoption Subsidy Program if the child is adopted through CP&P and the child has special needs. See CP&P-IV-C-8 and CP&P-IV-C-1-1100. The CP&P Adoption Subsidy Program provides a monthly maintenance payment and ensures that the child has health care coverage. The standards for adoption are the same for a relative as for a non-related person seeking to adopt a child. The program does not provide non-financial services or supervision from the Division but requires an annual redetermination of eligibility. When a child is adopted, the child is no longer subject to review by the Child Placement Review Board.

AA) CP&P Kinship Legal Guardianship Subsidy Program

A child can receive benefits from the CP&P Kinship Legal Guardianship Subsidy Program if a kin caregiver obtains guardianship through the Kinship Legal Guardianship Act and there is compliance with program standards. See CP&P-IV-D-2 and CP&P-IV-A-11-100. The CP&P Kinship Legal Guardianship Subsidy Program provides a monthly subsidy payment and ensures that the child has health care coverage. The program does not provide non-financial services or supervision from the Division, but requires an annual redetermination of eligibility. After a court grants kinship legal guardianship, the child is no longer subject to review by the Child Placement Review Board.

BB) Parental Support

When a child is living with kin, the child's parents are financially responsible for the child's support unless the child has been adopted. If the child is receiving benefits from the Division or the County Welfare Agency, the parents are evaluated for their financial ability to contribute toward the child's expenses. If neither the Division nor the County Welfare Agency is providing financial benefits for the child, the caregiver can seek a court order for financial support and health care coverage from the child's parents.

CC) Work First New Jersey (WFNJ)/Temporary Assistance to Needy Families (TANF)

A child, who is not receiving financial assistance from the Division, may be eligible for WFNJ-TANF (formerly Aid to Families with Dependent Children) through the County Welfare Agency if he or she lives with kin. A child residing with a non-related caregiver can be eligible for WFNJ-TANF only if the caregiver

has obtained legal guardianship of the child. The child may receive benefits as part of the caregiver's WFNJ-TANF assistance unit; or the child may receive WFNJ-TANF benefits as a "child only" case if the caregiver's family does not receive WFNJ-TANF assistance.

DD) Other Public Assistance

A child may be eligible for programs through the County Board of Social Services, which provide childcare, Medicaid, Food Stamps, or energy assistance. If the child's parents are retired, disabled, veterans or deceased, the child may be eligible for benefits from the Federal Social Security Administration. If the child is disabled, the child may be eligible for Supplemental Security Income. The child may also be eligible for community programs providing assistance such as childcare, housing, or other services.

EE) Kinship Navigator Program

A child living with a person who has obtained guardianship through the Kinship Legal Guardianship Act may be eligible for assistance from the Kinship Care Subsidy Program through the Office of the Kinship Navigator. This program is primarily intended to serve children placed by their parents and is not available to children placed by the Division of Child Protection and Permanency. The program provides a monthly maintenance payment and health care coverage.

FF) Duplicate Government Payments and Benefits

- 1) A caregiver receiving benefits under the Kinship Legal Guardianship Subsidy Program is not allowed to receive payments and benefits from two or more CP&P Programs for the same child for the same time period. For example, a caregiver can receive payments on behalf of a child from only one of the following CP&P Programs at a time:
 - i. Kinship Legal Guardianship Subsidy Program
 - ii. CP&P Resource Care
 - 2) The kin caregiver who is a resource parent is also not eligible to receive payments and benefits for the child from other government sources while the child is in placement. These other government sources include:
 - i. WFNJ-TANF including WFNJ-TANF Medicaid
 - ii. Veterans Administration (VA)
 - iii. Retirement, Survivors, Disability and Hospital Insurance (RSDHI)
 - iv. Railroad Retirement (RR)
 - v. SSI Payments not SSI Medicaid
 - 3) While the kin caregiver who is a resource parent is not eligible to receive SSI, VA, or RSDHI while the child is in placement, CP&P is eligible to receive payments and benefits from these sources on behalf of the child to offset the cost of the placement.
 - 4) The kin caregiver who becomes a child's legal guardian under the Kinship

Legal Guardianship Subsidy Program is also not eligible to receive WFNJ-TANF payments including WFNJ-TANF Medicaid while the child is in placement. However, the caregiver may be eligible for a portion of any SSI, VA, or RSDHI payments on behalf of the child. It is the responsibility of the caregiver to contact the government agencies that provide these benefits to determine such eligibility.

- 5) A child receiving SSI Medicaid who enters the Kinship Legal Guardianship Subsidy Program continues to be eligible for SSI Medicaid. Therefore, the child continues to receive SSI Medicaid, rather than CP&P Medicaid, while in placement under these two Programs. See Child Receives SSI Payments and/or SSI Medicaid at Time of Placement, below.
- 6) When a caregiver begins to receive payment from a new CP&P program, the relative must notify any previous program not funded by CP&P of the effective date of the new CP&P program. It is the Worker's/ responsibility to inform the Clerk to close the payment lines of service for any program for which a child is no longer eligible.

GG) Determining if Child Receives WFNJ-TANF or SSI Benefits Including Medicaid

When a child enters a CP&P paid placement, the Worker informs the Clerk to do a computer look-up, to determine whether or not the child receives WFNJ-TANF or SSI benefits including Medicaid.

1) Child Receives WFNJ-TANF Payments and/or WFNJ-TANF Medicaid at Time of Placement

i. If the Clerk finds a match for WFNJ-TANF payments and/or WFNJ-TANF Medicaid, the Clerk notifies the County Board of Social Services (CBSS) Liaison by electronic mail, and the Health Benefits Coordinator (HBC) by telephone at 1-800-701-0710, of the date the child entered placement.

2) Child Receives SSI Payments and/or SSI Medicaid at Time of Placement

i. If the Clerk finds a match for SSI payments, the Clerk notifies the Administrator, Title IV-E Eligibility and Determination Unit, by electronic mail, of the date the child entered placement. The child continues to be eligible for, and receive, SSI Medicaid (not CP&P Medicaid).

JJ) Investigation of Child Abuse or Neglect Allegations

The Institutional Abuse Investigation Unit (IAIU) investigates allegations of child abuse or neglect of a child by a kin caregiver with whom the Division has placed a child or by any other member of the household or any individual with routine, day-to-day care and supervision of the child. A copy of the IAIU investigation finding determination notification letter is filed in the child's case record. The Local Office investigates allegations of abuse or neglect of the birth children of

the kin caregiver or other children in the household who were not placed by CP&P.

KK) Higher Education

- 1) The Worker/Relative Assists the child -- in exploring all resources when the child wishes to attend college or vocational/technical school beyond high school.
- 2) The Child Applies for -- appropriate scholarships and other forms of financial aid when financial assistance is required for higher education. See CP&P-VII-A-1-300, CP&P and Other Scholarship Programs.

Policy History

- 10-04-2021
- 10-24-2011